

REGULAR CITY COUNCIL MEETING

NOVEMBER 25, 1985

PRESENT

Don Dafoe	Mayor Pro Tempore
Craig Greathouse	Council Member
Gayle Bunker	Council Member
Ruth Hansen	Council Member
Neil Dutson	Council Member

ABSENT

Grant S. Nielson	Mayor
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OTHERS PRESENT

Jim Allan	City Manager
Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
Neil Forster	Public Works Director
Max Wood	Parks & Recreation Director
Roger Young	Chief of Police
Tom Nielsen	City Resident
Caren Nielsen	City Resident
Kaye Niles	City Resident

Council Member Neil Dutson MOVED to appoint Council Member Don Dafoe Mayor Pro tempore during Mayor Nielson's absence. Council Member Gayle Bunker SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Don Dafoe acted as Mayor Pro tempore during Mayor Nielson's absence. Mayor Pro tempore Don Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mr. Dafoe stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held March 11, 1985, were presented for the Council's consideration and approval. The Council discussed and corrected the minutes, after which Council Member Craig

Greathouse MOVED the minutes be approved as corrected. Council Member Neil Dutson SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held March 18, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Neil Dutson MOVED the minutes be approved as presented. Council Member Gayle Bunker SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held March 18, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED the minutes be approved as presented. Council Member Neil Dutson SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held April 15, 1985, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED the minutes be approved as presented. Council Member Neil Dutson SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held April 22, 1985, were presented for Council's consideration and approval. The Council discussed and corrected the minutes, after which Council Member Neil Dutson MOVED the minutes be approved as corrected. Council Member Gayle Bunker SECONDED the motion. Mayor Pro tempore asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held October 21, 1985, were presented for Council's consideration and approval. The Council discussed and corrected the minutes, after which Council Member Gayle Bunker MOVED the minutes be approved as corrected. Council Member Craig Greathouse SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held November 4, 1985, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED the minutes be approved as presented. Council Member Neil Dutson SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held November 8, 1985, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED the minutes be approved as presented. Council Member Gayle Bunker SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions or comments regarding the minutes. There being none, he called for a vote. The motion passed. Council Member Neil Dutson abstained from voting because he was not in attendance at the November 8, 1985, Special City Council Meeting and had not read the minutes.

ACCOUNTS PAYABLE

The Council reviewed the list of accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$30,409.55. The motion was SECONDED by Council Member Craig Greathouse. Mayor Pro tempore Dafoe asked if there were any further questions or comments regarding the accounts payable. There being none, he called for a vote. The motion passed unanimously.

PARKS & RECREATION DIRECTOR MAX WOOD: CONSIDERATION OF ACCEPTANCE OF DEL PARK DEDICATION

Mayor Pro tempore Dafoe asked Parks & Recreation Director Max Wood to review with the Council consideration of acceptance of Del Park dedication.

Max Wood said that he had researched through the 1984-1985 City Council meeting minutes to find information regarding Del Park. He also said that Tex Searle had contacted him to see what was needed to meet the requirements for annexation. Mr. Wood presented the following list of requirements:

1. Easement for drainage (not completed)
2. Easement to the Park until 550 South St. is improved and dedicated (not completed)
3. Copy of sewer as-built drawings (not completed)
4. Sprinkler system (completed)
5. Lawn-was reseeded (completed)
6. 17 trees (completed)
7. Horse shoe pits (completed)
8. Play area -- swings, slide (completed)
9. 2 picnic tables (completed)
10. Basketball court if and when second phase were developed (not required)
11. Deed to property (not completed)
12. Water rights dedication (not completed)

Following discussion of the Del Park requirements, Mr. Wood recommended that Delta City offer to let Tex Searle and Dan Randall maintain ownership of the said park with the stipulation that they maintain and upkeep it to satisfactory standards which would be monitored by the City.

Following a brief discussion of the park, Council Member Ruth Hansen MOVED to table the issue until further information can be obtained. Council Member Gayle Bunker SECONDED the motion. Mayor Pro tempore asked if there were any further questions or comments regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: SEWER PROBLEM AT 200 EAST 300 NORTH

Mayor Pro tempore Dafoe asked Public Works Director Neil Forster to review with the Council the sewer problem at 300 North and 200 East. Included in the Council Member's packets was the following memorandum:

TO: City Council
FROM: Alan Riding
DATE: November 22, 1985
SUBJECT: Sewer Problem at 300 North and 200 East

We were not aware of any problem until someone called at approximately 11:00 a.m. on November 20 to notify us of a plugged sewer at the corner of 300 North and 200 East. There was only mention made that someone had water in their basement. The manhole was checked and found to be filling with water and backing up. We immediately responded with the sewer jet and started to clean. No one complained of any major problem at the time the cleaning was going on.

After the blockage was removed, the cause of the blockage was investigated. The blockage was almost totally made up of grease solids. Upon investigation, the source is most probably the kitchen at the Middle School.

At this time, we are aware of three homes involved: John Niles, Allen Wardle, and Tom Nielsen. Estimated damages have not been determined.

A similar situation occurred a couple of years ago. The line was cleaned then, along with other steps to rectify the problem. It was felt that the problem was solved.

The line in question and some other possible problem lines are now on a 90-day maintenance schedule to try to prevent this from occurring in the future. Further investigation is continuing as to the Middle School's involvement.

Tom Nielsen reviewed with the Council the damages that were done to his basement as a result of the sewer backup. Mr. Nielsen presented a bill from Rainbow Carpet Dyeing and Cleaning Company in the amount of \$280.00 and requested that Delta City pay for expenses incurred as a result of the sewer

backup. Mr. Nielsen said that he would submit an itemized list of damages and expenses, along with the bill from Rainbow Carpet Dyeing and Cleaning Company to Delta City for payment.

Kaye Niles also submitted a bill to the Council from Rainbow Carpet Dyeing and Cleaning Company in the amount of \$245.00 and requested that Delta City pay that amount for expenses incurred as a result of the sewer backup. Mrs. Niles said that most of the water damage was done to the floor coverings in her basement.

Council Member Ruth Hansen said that she felt that Delta City should pay the two bills from Rainbow Carpet. Mayor Pro tempore Dafoe said that Delta City should pay the clean-up expenses incurred by the residents involved and Delta City will investigate their insurance to see if the amount can be recovered from the insurance company.

Council Member Gayle Bunker MOVED that Delta City pay the cost of the expensed incurred as a result of the sewer backup on the Tom Nielsen, Allen Wardle and John Niles basements. Council Member Craig Greathouse SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any further questions or comments regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: PAY REQUEST - BUSH & GUDGELL STREET IMPROVEMENT PROJECT

The Delta City Improvements Project Pay Request for Bush & Gudgell was not presented because John Quick was not in attendance at this meeting.

Council Member Neil Dutson MOVED to table the Bush & Gudgell Pay Request. Council Member Craig Greathouse SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any further questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: DISCUSSION AND APPROVAL OF PROPOSED ZONING ORDINANCE AND SETTING PUBLIC HEARING DATE

Council Member Gayle Bunker said that additional work is needed prior to approval of the proposed zoning ordinance. Council Member Gayle Bunker MOVED to table the proposed zoning ordinance and setting of a public hearing date. Council Member Neil Dutson SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: POLICY DECLARATION AMENDMENT FOR SUGAR FACTORY ROW AND SETTING PUBLIC HEARING DATE

Mayor Pro tempore Don Dafoe requested that Attorney Warren Peterson discuss with the Council the Policy Declaration Amendment for Sugar Factory Row. Attorney Warren Peterson presented a proposed resolution entitled:

RESOLUTION 85-139

A RESOLUTION GIVING PRELIMINARY APPROVAL AND ACCEPTANCE TO PETITIONS FOR ANNEXATION OF TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF DELTA, UTAH, WHICH PETITIONS SEEK ANNEXATION OF TERRITORY REFERRED TO AS THE "SUGAR FACTORY ROW ANNEXATION," AND APPROVING A POLICY DECLARATION AMENDMENT FOR SAID ANNEXATION.

Attorney Peterson said that Mayor Grant Nielson had recommended that a public hearing of the proposed Sugar Factory Row Annexation be set for Tuesday, December 17, 1985, at 6:00 p.m.

Following further discussion of the proposed Sugar Factory Row Annexation, Council Member Ruth Hansen MOVED to adopt Resolution No. 85-139 and to set a public hearing date for the proposed annexation for December 17, 1985, at 6:00 p.m. The motion was SECONDED by Council Member Craig Greathouse. Mayor Pro tempore Dafoe asked if there were any further questions regarding the proposed annexation or the motion. There being none, he called for a roll call vote, which was as follows:

Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes

Mayor Pro tempore Don Dafoe then signed the resolution and it was attested by Delta City Recorder Dorothy Jeffery.

ATTORNEY WARREN PETERSON: AIRPORT ANNEXATION POLICY DECLARATION AND SETTING PUBLIC HEARING DATE

Mayor Pro tempore Don Dafoe asked Attorney Warren Peterson to review with the Council the Airport Annexation Policy Declaration.

Attorney Warren Peterson said that a resolution has already been approved giving preliminary acceptance to the petition for annexation, but a public hearing date needs to be set and a proposed policy declaration for that annexation needs to be adopted. Mr. Peterson said that Mayor Nielson recommended that the public hearing be set for December 17, 1985, at 6:30 p.m. and consideration of the annexation ordinance could be given at the December 23rd Regular City Council Meeting.

Attorney Peterson reviewed with the Council the Policy Declaration after which Council Member Gayle Bunker MOVED to adopt the proposed amendment to the Delta City Annexation Policy Declaration and to set a public hearing for the proposed Airport Annexation on December 17, 1985, at 6:30 p.m. Council Member Craig Greathouse SECONDED the motion. Mayor Pro tempore Dafoe asked if there were any further questions regarding the motion. There being none, he called for a vote. The motion passed, with Council Member Ruth Hansen voting "No".

CHIEF ROGER YOUNG: DISCUSSION OF "BAD CHECK" PROGRAM

Mayor Pro tempore Dafoe requested Chief of Police Roger Young review with the Council the Police Department's "Bad Check Program".

Chief Young said that the Department is having a large number of bad checks being reported to them. Chief Young said that the Police Department is providing a booklet to assist merchants in dealing with the bad check menace. Chief Young reviewed the booklet with the Council and explained the procedure used to prosecute those who write checks in violation of the criminal law.

Chief Young said that the local merchants are becoming more aware of this service and are willing to cooperate with the Delta City Police Department.

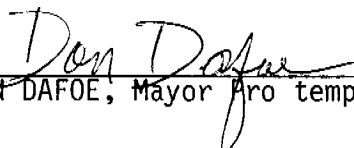
CHIEF ROGER YOUNG: DISCUSSION/DECISION OF UNCOLLECTED FINES


Mayor Pro tempore Dafoe requested Chief Roger Young review with the Council the uncollected fines in the City Court docket books.

Chief Young said that the amount of uncollected fines shown in the 1978 to 1981 docket books totals \$7,207.00. Chief Young said that most of the people owing these fines have left the area and cannot be located. He recommended that the City turn the collection of these fines over to a collection agency.

Following further discussion of the uncollected fines, Council Member Gayle Bunker MOVED to drop the uncollected fines from the accounts receivable books, the \$7,207.00 of uncollected fines over the past seven years, and turn the fines over to a collection agency. Council Member Craig Greathouse SECONDED the motion. Mayor Pro tempore Don Dafoe asked if there were any further questions regarding the fines or the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Pro Tempore Dafoe asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Ruth Hansen. The meeting was adjourned at 9:45 p.m.


DON DAFOE, Mayor Pro tempore

Attest: 
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: December 17, 1985